

*FAS*UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA2008 MAY -5 AM 11:49
711

UNITED STATES OF AMERICA,

) Magistrate Docket No.

Plaintiff,

) **'08 MJ 1412 KNK**

v.

) COMPLAINT FOR VIOLATION OF:

Leobardo Jose GONZALEZ-Bernal,

) Title 8, U.S.C., Section 1326

) Deported Alien Found in the
United States

Defendant

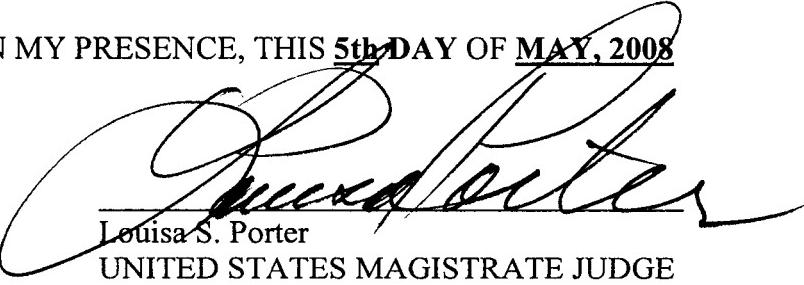
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)

The undersigned complainant, being duly sworn, states:

On or about **May 3, 2008** within the Southern District of California, defendant, **Leobardo Jose GONZALEZ-Bernal**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol AgentSWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5th DAY OF MAY, 2008
Louisa S. Porter
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Leobardo Jose GONZALEZ-Bernal

PROBABLE CAUSE STATEMENT

I declare under the penalty of perjury that the following statement is true and correct:

On May 3, 2008, at approximately 11:30 a.m. Senior Border Patrol (SPA) R. Serrato was assigned to the area locally known as Big Cedar near the Thousand Trails camp grounds in Jamul, California. This area is located approximately five miles north and approximately nine miles east of the Otay Mesa, California, Port of Entry. Undocumented aliens looking to illegally enter into the United States commonly use this area.

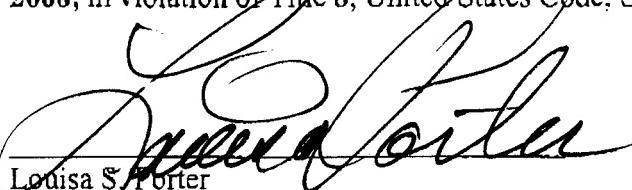
Agent Serrato responded to a seismic intrusion device in Big Cedar and tracked the group from that location. Agent Serrato located six individuals walking north and identified himself as a United States Border Patrol Agent in the Spanish and English language and ordered the individuals to stop. At this time, Agent Serrato conducted an immigration field interview on the subjects. All six of the individuals, including one later identified as the defendant **Leobardo Jose GONZALEZ-Bernal**, admitted to being citizens and nationals of Mexico present in the United States without proper immigration documents that would allow them to enter and remain in the United States legally. At approximately 12:05 p.m. the defendant and the other five were placed under arrest and transported to the United States Border Patrol Brown Field Station for further processing.

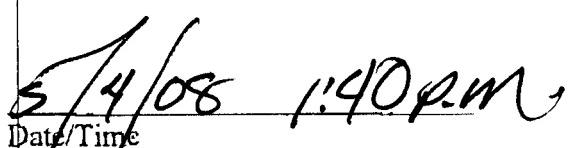
Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to Mexico on **October 11, 2007** through Nogales, Arizona. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

Executed on May 4, 2008 at 9:30 a.m.


Terri L. Dimolios
Senior Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of one page(s), I find probable cause to believe that the defendant named in this probable cause statement committed the offense on **May 2, 2008**, in violation of Title 8, United States Code, Section 1326.


Louisa S. Porter
United States Magistrate Judge


Date/Time